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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,574	08/14/2000	Ryan Middleton	TI-28458	1734

7590 11/05/2003  
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EXAMINER

NATNAEL, PAULOS M

ART UNIT PAPER NUMBER

2614

DATE MAILED: 11/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/639,574

Applicant(s)

MIDDLETON ET AL.

Examiner

Paulos M. Natnael

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see explanation and responses below.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-11.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
**MICHAEL H. LEE**  
PRIMARY EXAMINER

## Applicant's Arguments

a) the newly added limitation is not taught in the Dougherty reference.

the use of the word television signal refers to the composite video and audio to display a television show or program. There is only the one television composite signal in the Dougherty reference. The ancillary signal is a data code and certainly not separate ancillary television signal with the separate television show segment as claimed by Applicant.

b) There is no storing in a cache memory any ancillary television signals in the Dougherty reference or any ancillary television signals with the separate television show segment.

c) Dougherty does not teach a selective means for providing the main signal or separate ancillary television signal. The Examiner has presented no reference to teach any of this.

d) there is nothing in Dougherty reference to suggest the combination claimed or the desirability of the modification. The Examiner's official Notice is not supported in any way.

## Examiner's response:

a) Dougherty et al. teach that the ancillary code modulated carrier of the RF television signal may be acquired by an antenna or sensor from an adjacent channel to the television 118, (col. 11, lines 14-19) indicating that it could be transmitted separately from the main program. Therefore, the argument that "The ancillary signal [disclosed by Dougherty et al.] is a data code and certainly not other television signals as claimed by applicant...." is not persuasive. Besides, this is newly added limitation is a new issue, and since prosecution is closed, if applicant desires further consideration, Applicant should do so in a continuation practice.

b) Dougherty et al. disclose a system for receiving main signals and ancillary signals (see Figs. 1 and 4). Dougherty et al. also disclose memories RAM 74 and ROM 76. Dougherty et al. further teach that the microprocessor 70 reads the ancillary signal code which clearly implies that the ancillary data is being, at least temporarily, stored in memory. (see col. 9, lines 30-34) Thus, the ROM may be used to store ancillary code other data. Therefore, the argument that no cache memory for storing the ancillary data is taught by Dougherty et al is unpersuasive. (see also Part B response above)

c) It is well known in the art to select either signal from a plurality of received signals. In this case, the system of Dougherty receives a main television signal and ancillary signals. It is implied, even if it isn't specifically shown, that the system would be able to select as desired one of the received signals.

d) Dougherty et al. discloses a co-channel transmission of program signals and ancillary signals, and specifically disclose an icon that would be displayed on the screen of the TV to indicate the presence of an ancillary signal. This feature is well known in the art. In that regard, however, Yasuki et al. disclose a multi-function TV receiver in which the receiver is capable of processing both an object transmitted through broadcasting and an object which is derived from other means. The system of Yasuki discloses a VBI processor that processes the VBI data multiplexed and transmitted with the broadcast video data. Yasuki et al also disclose "the graphic controller 135 is controlled to display an icon or a message on the screen" so that the "user is able to recognize there was an automatic answering and recording." Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Dougherty by providing Yasuki's capability of displaying an icon on the screen, in order to make the user aware of the presence of a particular (ancillary) data or information that could be retrieved from memory or transmitted with the input video signal, should the user chooses to do so, giving the user a choice and an advantage, instead of searching for the information or data. Thus, the argument that the combination has no basis is unpersuasive.

Applicant argues that the newly added limitation is not taught in the Dougherty reference. However, this is a new issue and since prosecution is closed, if applicant desires further consideration, Applicant should do so in a continuation practice.